

MAY 18 2006

Vinson & Elkins

Facsimile

Michelle Fleming mlfleming@velaw.com
Tel 512.542.8441 Fax 512.236.3310

From:	Date:	
Michelle Fleming	May 18, 2006	
Regarding:	Number of Pages:	Hard Copy Follows:
SLP100/4-5US/55000	5	No
To:	Fax:	Phone:
KRISANNE JASTRZAB U.S. PATENT & TRADEMARK OFFICE	1.571.273.8300	1.512.571.272.1279
Message:		

Please deliver attached to Examiner Krisanne Jastrzab

Confidentiality Notice: The information contained in this FAX may be confidential and/or privileged. This FAX is intended to be reviewed initially by only the individual named above. If the reader of this TRANSMITTAL PAGE is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this FAX or the information contained herein is prohibited. If you have received this FAX in error, please immediately notify the sender by telephone and return this FAX to the sender at the address below. Thank you.

Vinson & Elkins LLP Attorneys at Law Austin Beijing Dallas Dubai
Houston London Moscow New York Shanghai Tokyo Washington

2801 Via Fortuna, Suite 100, Austin, TX 78746-7568
Tel 512.542.8400 Fax 512.542.8812 www.velaw.com

MAY 18 2006

Vinson & Elkins

Michelle Muller Fleming mlfleming@velaw.com
Tel 512.542.8441 Fax 512.236.3310

May 18, 2006

VIA FACSIMILE 571.273.8300

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF FACSIMILE

I certify that this correspondence is being transmitted on
February 9, 2006, by facsimile to the Patent and
Trademark Office in accordance with 37 C.F.R. §1.8.

May 18, 2006 *Michelle M. Fleming*
Date Michelle Muller Fleming

Re: U.S. Patent Application Serial No. 10/614,417 for "Odor-Mitigating
Compositions" by Stephen L. Parkhurst and Morey E. Osborn
Attorney Docket No.: SLP100/4-5US/55000

Sir:

Enclosed for filing in the above-referenced patent application are the following:

1. Terminal Disclaimer to Obviate a Double Patenting Rejection over a Prior Patent
2. Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection over a Pending Second Application;
2. Credit Card Payment form; and
5. A return postcard to acknowledge receipt of these documents. Please date stamp and mail this postcard.

If the fee is missing or deficient or should any other fees under under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to appropriately deduct or credit the requisite amount from VINSON & ELKINS L.L.P. Deposit Account No. 22-0365/SLP100/4-5US/55000.

Respectfully submitted,

Michelle M. Fleming

Michelle M. Fleming
Reg. No. 42,913

MMF/cp
Enclosures


Vinson & Elkins LLP Attorneys at Law Austin Beijing Dallas
Dubai Houston London Moscow New York Tokyo Washington

2801 Via Fortuna, Suite 100, Austin, Texas 78746-7568
Tel 512.542.8400 Fax 512.542.8612 www.velaw.com

05/18/2006 11:51 FAX

MAY 18 2006

003/005

Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent				Docket No. SLP100/4-SUS/55000	
Re Application Of: STEPHEN L. PARKHURST and MOREY E. OSBORN					
Application No. 106114,417	Filing Date 07/07/2003	Examiner KRISANNE JASTRZAB	Customer No. 21,586	Group Art Unit 1619	Confirmation No. 7417
Inventor:					
() MITIGATING COMPOSITIONS					
Owner of Record:					
() PARKHURST CORPORATION					
<u>COMMISSIONER FOR PATENTS:</u>					
<p>The above-identified owner of record of a 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,749,805. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is determined to be unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p><input type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p><input checked="" type="checkbox"/> The undersigned is an attorney of record.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"><div style="text-align: center;"> <i>Signature</i> Michelle M. Fleming, Reg. No. 42,913 <i>Typed or Printed Name</i></div><div style="text-align: right;">Dated: MAY 18, 2006 (formerly M. Michelle Muller)</div></div> <div style="margin-top: 10px;"><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 C.F.R. 1.20(d) included. <input checked="" type="checkbox"/> PTO suggested wording for terminal disclaimer was unchanged. <input checked="" type="checkbox"/> Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.</div>					

Copyright 1997 LegalStar

P32/REV02

PAGE 3/5 * RCVD AT 5/18/2006 12:51:07 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/15 * DNIS:2738300 * CSID: * DURATION (mm-ss):05-26

05/22/2006 EFLORES 00000012 10614417

01 FC:2814

65.00 DP

BEST AVAILABLE COPY

MAY 18 2006

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**Docket No.
SLP100/4-5US/55000Instant application of: **STEPHEN L. PARKHURST and MOREY E. OSBORN**Application No. **10/614,417**Filing date: **07/07/2003**Title: **ODOR MITIGATING COMPOSITIONS**

The owner, **SL PARKHURST CORPORATION** of **100** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number **10/614,417 and 10/848,948**, filed on **7/7/2003 and 05/19/04**. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during the period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 or any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.211, has all claims cancelled by a reexamination certificate, is reissued, or in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

(Check either box 1 or 2, if appropriate.)

- ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

- ☒ The undersigned is an attorney of record.

Owner/applicant is ☒ Small entity ☐ Large entity

The terminal disclaimer fee under 37 CFR 1.20(d) is _____ and is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____.
☒ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I suggested wording for terminal disclaimer was

- ☒ unchanged. ☐ changed (if changed, an explanation should be supplied.)

Michelle M. Fleming
Signature

Name and Address of Person Signing

Michelle M. Fleming, Reg. No. 42,913
 formerly M. Michelle Muller)
 Mullen & Elkins, LLP
 1st City Tower
 111 Fannin, Suite 2300
 Houston, TX 77002-6760
 Tel: 282.8441
 Fax: 512.326.3310

Dated: **May 18, 2006**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

May 18, 2006
(Date)

Michelle M. Fleming
Signature of Person Mailing Correspondence
Michelle M. Fleming

Typed or Printed Name of Person Mailing Correspondence

P26/REV02